

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA STATE OUTDOOR
ADVERTISING ASSOCIATION, INC.,
et al.,

Plaintiffs,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

Case No.: 2:05-CV-00599-FCD-DAD
AMENDED FINAL JUDGMENT

“AS MODIFIED”

The Court issues final judgment in favor of Plaintiffs California Outdoor Advertising Association, Inc. (“CSOAA”), and its members Arcturus Outdoor Advertising (“Arcturus”), Bulletin Displays, LLC (“Bulletin”), Clear Channel Outdoor, Inc. (“Clear Channel”), Fairway Outdoor Advertising, Inc. (“Fairway”), General Outdoor advertising, Inc. (“General”, James N. Hoff dba Hoff Outdoor Advertising (“Hoff”), Hunter Media Outdoor Advertising (“Hunter”), Lamar Central Outdoor, Inc. (“Lamar”), J.R. Zukin Corporation dba Meadow Outdoor Advertising (“Meadow”), Sun Outdoor Advertising (“Sun”), Stott Outdoor

Advertising (“Stott”), Tital Advertising (“Titan”), Van Wagner Communications, LLC, dba Van Wagner Outdoor, erroneously named as Van Wagner Communications, Inc. (“VW”), Van Wagner/Goodman, LLC, erroneously named Van Wagner Communications, Inc. (“VW/Goodman”), Viacom Outdoor, Inc. (“Viacom”), and United Outdoor Advertising (“United”) (collectively “Plaintiffs”) and against defendants State of California, Department of Transportation (“Caltrans”) and Will Kempton, in his official capacity as Director of Caltrans (collectively “Defendants”) as follows:

1. Declaratory Relief

The annual permit renewal fee for outdoor advertising displays of \$92 per permit announced by Caltrans on or about June 2, 2003 (the “Fee”) is void because it was not promulgated in accordance with the California Administrative Procedure Act, California Government Code Section 11340 et seq.

2. Injunctive Relief

Defendants and their agents and employees, and all persons acting in concert with them, are permanently enjoined from collecting, or making any attempt to collect the Fee, and from imposing or attempting to impose any penalties whatsoever for nonpayment of the Fee.

3. Fee Refund and Interest

As of March 2, 2006, Plaintiffs are entitled to refunds of fees from Caltrans, together with interest of 7% per annum pursuant to Article XV, § 19 of the California Constitution as follows:

<u>Plaintiff</u>	<u>Amount</u>	<u>Prejudgment Interest As of Date of the Judgment</u>	<u>Total</u>
Arcturus	\$ 6,264	\$ 945.95	\$ 7,209.95
Bulletin	\$ 9,576	\$ 1,211.09	\$ 10,787.09
Clear Channel	\$ 361,704	\$ 49,848.00	\$ 411,552.55
Fairway	\$ 30,600	\$ 4,915.89	\$ 35,515.89

<u>Plaintiff</u>	<u>Amount</u>	<u>Prejudgment Interest As of Date of the Judgment</u>	<u>Total</u>
General	\$ 24,696	\$ 3,513.54	\$ 28,209.54
Hoff	\$ 4,464	\$ 730.12	\$ 5,194.12
Hunter	\$ 1,152	\$ 169.21	\$ 1,321.21
Lamar	\$ 392,976	\$ 56,236.50	\$ 449,212.50
Meadow	\$ 2,376	\$ 326.87	\$ 2,702.87
Stott	\$ 66,528	\$ 9,368.30	\$ 75,896.30
Sun	\$ 14,256	\$ 1,718.34	\$ 15,974.34
Titan	\$ 2,736	\$ 428.94	\$ 3,164.94
VW	\$ 5,688	\$ 714.77	\$ 6,402.77
VW/Goodman	\$ 4,320	\$ 548.46	\$ 4,868.46
Viacom	\$ 724,368	\$ 97,841.53	\$ 822,209.53
United	\$ 7,920	\$ 1,118.60	\$ 9,038.60
TOTAL	\$1,659,624.00	\$229,636.66	\$1,889,260.66

Plaintiffs are also entitled to recover post judgment interest as permitted by law after March 2, 2006.

4. Attorneys' Fees and Costs

Plaintiffs are awarded \$164,203.80 in attorneys' fees. The court will not make an award as to costs. Plaintiff is instructed to file a Cost Bill in accordance with Local Rule 54-292.

DATED: March 15, 2006

/s/ Frank C. Damrell Jr.
The Honorable Frank C. Damrell, Jr.
United States District Judge